

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAVIGATOR CAPITAL PARTNERS, L.P., on
behalf of itself and all others similarly situated,

Plaintiff,

v.

BEAR STEARNS ASSET MANAGEMENT, INC.,
et al.,

Defendants,

FIC, L.P., individually, and on behalf of itself and all
others similarly situated,

Plaintiff,

v.

07-CV-07783 (AKH)
07-CV-11633 (AKH)
08-CV-03397 (AKH)

NOTICE OF MOTION

BEAR STEARNS ASSET MANAGEMENT, INC., *et al.*,

Defendants,

GEOFFREY VARGA and WILLIAM CLEGHORN, *et al.*,

Plaintiffs,

v.

THE BEAR STEARNS COMPANIES INC., *et al.*,

Defendants,

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DEFENDANT MATTHEW TANNIN'S NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law,
and all other papers referenced therein, defendant Matthew Tannin will move this Court, before
the Honorable Alvin K. Hellerstein, at the United States Court House, 500 Pearl Street, New

York, New York 10007, on January 7, 2009 at 10:00 a.m., for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), 23.1 and 9(b), dismissing all of the claims asserted against him in the above-captioned actions and granting such other relief as the Court deems just and proper.

Dated: New York, New York
October 30, 2008

BRUNE & RICHARD LLP

By:



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CERTIFICATE OF SERVICE

I hereby certify that I filed Defendant Matthew Tannin's Notice of Motion to Dismiss and the accompanying Consolidated Memorandum of Law on October 30, 2008 in the above-captioned actions by using the Court's Electronic Case Filing System, and relied upon that system's automatic service of this document upon all counsel of record.

/s/ Nina M. Beattie
Nina M. Beattie